

City of Alexandria, Virginia
Department of Planning & Zoning

SPECIAL USE PERMIT CERTIFICATE

Article XI, Division A, Section 11-510 of the 1992 Zoning Ordinance of the City of Alexandria, Virginia requires that you display this Special Use Permit in a conspicuous and publicly accessible place. A copy of the list of conditions associated with the special use permit shall be kept on the premises and made available for examination by the public upon request.

Special Use Permit #2018-0035

Approved by Planning and Zoning: May 7, 2018

Permission is hereby granted to: T-ZO, LLC

to use the premises located at: 5774 Dow Avenue

for the following purpose: see attached report

It is the responsibility of the Special Use Permit holder to adhere to the conditions approved by City Council. The Department of Planning and Zoning will periodically inspect the property to identify compliance with the approved conditions. If any condition is in violation, the permit holder will be cited and issued a ticket. The first violation carries a monetary fine. Continued violations will cause staff to docket the special use permit for review by City Council for possible revocation.

May 7, 2018
Date

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Karl Moritz, Director
Department of Planning and Zoning

DATE: May 7, 2018

TO: Mary Christesen, Acting Division Chief,
Land Use Services
Department of Planning and Zoning

FROM: Femi Adedakun, Planner
Department of Planning and Zoning

SUBJECT: Special Use Permit #2018-0035
Administrative Review for Change of Ownership
Site Use: Restaurant
Applicant: T-ZO, LLC
Location: 5774 Dow Avenue
Zone: CDD #17 / Coordinated Development District #17

Request

Special Use Permit #2018-0035 is a request to change ownership of an existing restaurant from Smashburger Acquisition – DC, LLC to T-ZO, LLC. No changes to current operations are proposed. The new business would operate a casual fast food restaurant serving Vietnamese cuisine with on-premises alcohol sales, 69 indoor seats and operating hours of 10 a.m. to 10 p.m., seven days a week.

Background

In January 2012, City Council approved DSUP#2011-0030 for the construction of the three building Modera Tempo (previously named Landmark Gateway) mixed-use development, composed of 15,000 square feet ground floor commercial space and 492 upper floor residential units. The subject site is ground-level commercial space occupying 2,300 square feet. City Council approved SUP2014-0037 in May 2014, allowing a restaurant named Smashburger to operate at the subject site. Smashburger operated at the subject location until it closed in June 2017.

Parking

The approved site plan for DSUP #2011-0030 provided for 694 parking spaces within the parking garage, and 58 surface parking spaces to be used for retail tenants of the Modera Tempo development for a total of 752 parking spaces.

Pursuant to Section 8-200(A)(17) of the Zoning Ordinance, the current retail and commercial tenants of Modera Tempo are required to provide 12 spaces in total. This leaves a surplus of 46 spaces available in the shared surface parking lot. The subject property is located within the Enhanced Transit Area and the minimum parking requirement for a 2,300 square feet restaurant within the Enhanced Transit Area is three spaces. The existing parking lot on site satisfies this requirement.

Community Outreach

Public notice was provided through eNews, via the City's website, and by posting a placard on the site. In addition, Cameron Station Civic Association was sent a written notification of the current application. Staff has not received any comments from residents or adjacent businesses.

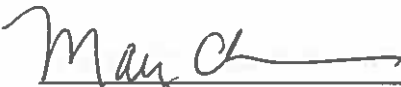
Staff Action

Staff does not object to the change of ownership request. This request ensures diversity in dining options available in the Landmark/Van Dorn area. Staff has carried over conditions from SUP #2014-0037 while Conditions #12 and #20 have been updated to reflect current condition language. Condition #24 has been included requiring that the business encourages its employees to use public transportation for traveling to and from work, while conditions #25 and #26 requires that the business provides its patrons with information regarding alternative forms of transportation and encourage them to use off-street parking.

Staff hereby approves the Special Use Permit request.

ADMINISTRATIVE ACTION - DEPARTMENT OF PLANNING AND ZONING:

Date: 5/2/2018
Action: Approved



Mary Christesen, Acting Division Chief

Attachments: 1) Special Use Permit Conditions
2) Statement of Consent

CONDITIONS OF SPECIAL USE PERMIT #2018-0035

The new owner is responsible for ensuring that the following conditions are adhered to at all times. Violation of any of the conditions may result in fines and/or referral to public hearing by the Planning Commission and City Council.

1. The Special Use Permit shall be granted to the applicant only or to any corporation in which the applicant has a controlling interest. (P&Z) (SUP#2014-0037)
2. The maximum number of indoor seats at the restaurant shall be 69. No outdoor seating shall be permitted. (P&Z) (SUP#2014-0037)
3. The applicant shall post the hours of operation at the entrance of the business. (P&Z) (SUP#2014-0037)
4. The hours of operation for the indoor portion of the restaurant shall be limited to between 10 a.m. and 10 p.m. daily. Meals ordered before 10 p.m. may be sold, but no alcoholic beverages may be served and no new restaurant patrons may be admitted after 10 p.m. and all patrons must leave by 11 p.m. (P&Z) (SUP#2014-0037)
5. On-premises alcohol service may be permitted but no off-premises alcohol sales shall be allowed. (P&Z) (SUP#2014-0037)
6. No live entertainment shall be allowed at the restaurant. (P&Z) (SUP#2014-0037)
7. No delivery service of food to customers shall operate from the restaurant. (P&Z) (SUP#2014-0037)
8. The applicant shall maintain an operable entrance to the restaurant from the South Van Dorn Street frontage of the tenant space. (P&Z) (SUP#2014-0037)
9. The applicant shall maintain open views into the restaurant from the South Van Dorn Street frontage of the tenant space to the satisfaction of the Director of Planning & Zoning. Interior storage cabinets, carts, window signs, posters, shelving, boxes, coat racks, storage bins, closets and similar items shall not block the visibility of the interior of the restaurant from the street. The applicant may display goods in display cases that are oriented toward the street frontage. (P&Z) (SUP#2014-0037)
10. All signage at the site shall comply with Condition #46 and #47 of DSUP#2011-0030 and all other applicable codes and ordinances. If signage is erected on the frontage of the tenant space facing the interior plaza, the applicant shall also install signage on the South Van Dorn Street frontage of the tenant space. (P&Z) (SUP#2014-0037)
11. The applicant shall conduct employee training sessions on an ongoing basis, including as part of any employee orientation, to discuss all SUP provisions and

requirements and on how to prevent underage sales of alcohol. (P&Z) (SUP#2014-0037)

12. **CONDITION AMENDED BY STAFF:** No food, beverages, or other material shall be stored outside: with the exception of materials specified in other conditions. (P&Z) (SUP#2014-0037) (SUP2018-0035)
13. Trash and garbage shall be placed in sealed containers which do not allow odors to escape and shall be stored inside or in closed containers which do not allow invasion by animals. No trash or debris shall be allowed to accumulate on site outside of those containers. (P&Z) (SUP#2014-0037)
14. Kitchen equipment, including floor mats, shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES) (SUP#2014-0037)
15. The applicant shall control cooking odors, smoke and any other air pollution from operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Department of Transportation & Environmental Services. (T&ES) (SUP#2014-0037)
16. All loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES) (SUP#2014-0037)
17. Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up at least twice a day and at the close of business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is open to the public. (T&ES) (SUP#2014-0037)
18. All waste products including but not limited to organic compounds (solvents), shall be disposed of in accordance with all local, state and federal ordinances or regulations. (T&ES) (SUP#2014-0037)
19. Supply deliveries, loading, and unloading activities shall not occur between the hours of 10 p.m. and 7 a.m. Deliveries are prohibited on South Van Dorn and South Pickett Streets. (P&Z) (T&ES) (SUP#2014-0037)
20. **CONDITION AMENDED BY STAFF:** The applicant shall require its employees who drive to use off-street parking, ~~and/or provide employees who use mass transit with subsidized bus and rail fare media. The applicant shall also post DASH and Metrobus schedules on site for employees.~~ (T&ES) (SUP#2014-0037)
21. The applicant shall install signage inside the building indicating the location of off-street parking for the restaurant and shall inform customers about the parking. (T&ES) (SUP#2014-0037)

22. The applicant shall contact the Community Relations Unit of the Alexandria Police Department at 703-746-6838 regarding a security assessment for the business and robbery readiness training for all employees. (Police) (SUP#2014-0037)
23. **CONDITION AMENDED BY STAFF:** The Director of Planning and Zoning shall review the Special Use Permit after the use has been operational for one year, and shall docket the matter for consideration by the Planning Commission and City Council if: (a) there have been documented violations of the permit conditions which were not corrected immediately, constitute repeat violations or which create a direct and immediate adverse zoning impact on the surrounding community; (b) the Director has received a request from any person to docket the permit for review as the result of a complaint that rises to the level of a violation of the permit conditions; or (c) the Director has determined that there are problems with the operation of the use and that new or revised conditions are needed. (P&Z) (SUP#2014-0037)
24. **CONDITION ADDED BY STAFF:** The applicant shall encourage its employees to use public transportation to travel to and from work. The business shall contact Go Alex at goalex@alexandriava.gov for information on establishing an employee transportation benefits program. (P&Z)
25. **CONDITION ADDED BY STAFF:** The applicant shall provide information about alternative forms of transportation to access the site, including but not limited to printed and electronic business promotional material, posting on the business website, and other similar methods. Contact Go Alex at goalex@alexandriava.gov for more information about available resources. (P&Z)
26. **CONDITION ADDED BY STAFF:** All waste products including but not limited to organic compounds (solvents and cleaners) shall be disposed of in accordance with all local, state and federal ordinances or regulations. (P&Z)
27. **CONDITION ADDED BY STAFF:** Exterior power washing of the building shall not be completed using any kind of detergents. (P&Z)
28. **CONDITION ADDED BY STAFF:** If used cooking oil is stored outside, the lid of the used cooking oil drum shall be kept securely closed (using a bung) when not receiving used oil. The drum shall be placed on secondary containment and situated under cover to prevent rainwater from falling on it. (P&Z)

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2018-0035. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the restaurant at 5774 Dow Avenue.



Applicant - Signature

05/18/2018

Date

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Applicant - Printed

05/18/2018

Date